

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-2534

PETITION OF LORNE AND ANNE HOFSETH

OPINION OF THE BOARD

(Hearing Date: October 25, 2002)

(Effective Date of Opinion: February 19, 2003)

Case No. S-2526 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

The subject property is Lot 7, Block A, Rosewood Manor Subdivision, located at 7425 Rosewood Manor Lane, Gaithersburg, Maryland, in the R-200 Zone.

Pursuant to the authority in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals referred the case to the Hearing Examiner to conduct a public hearing on the application. The Hearing Examiner convened a public hearing on October 25, 2002, and on December 6, 2002, issued a written Report and Recommendation for approval of the special exception.

Decision of the Board: Special exception **granted**, subject
to conditions enumerated below.

At its Worksession on January 22, 2003, the Board of Appeals voted to adopt the Hearing Examiner's Report and Recommendation and approve the special exception subject to the following conditions:

1. Petitioners shall be bound by their testimony and exhibits of record, including the Site Plan, Exhibit No. 11, as well as Exhibit Nos. 11(A), 11(C), and the Floor Plan, Exhibit No. 11(F), to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.

2. The owner(s) shall occupy one of the dwelling units on the subject property.
3. The number of occupants in the accessory apartment is limited to two.
4. The floor area of the accessory apartment, approximately 1,093 square feet, conforms to the current standard in Section 59-G-2.00(a)(9).

On a motion by Allison Ishihara Fultz, seconded by Angelo M. Caputo, with Donna L. Barron, Louise L. Mayer and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 17th day of February, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.